

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 15, 2011

The City Council convened in Regular Session on Tuesday, February 15, 2011, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: Laurie Feldman. Training City Clerk Laura L. Whitehead was present and performed the duties of that office.

File #47527

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by RICHARD VEIT to excuse the absence of Councilmember Laurie Feldman. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

A Resolution Supporting the Redevelopment of the Eastern Portion of Lindenwood University Campus

Tony Bethman, 566 Glenco, voiced concern relative to the Lindenwood Parking Lot.

Council Bill 10413 Relative to Repealing the Prohibition Against Tattooing and Permit Tattooing, Body Piercing and Branding Establishments as a Conditional Use in Certain Zoning Districts

Kara Gatto, 1625 W. Clark Street, spoke in opposition to Council Bill 10413.

Lynn Richardson, 444 Houston, spoke in opposition to Council Bill 10413.

Mary Ann Ohms, 222 N. Fourth Street, spoke in opposition to Council Bill 10413.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Marge Paglus, 10711 St. Cosmos, St. Ann, Missouri, appeared before the Council relative to picketing at military funerals.

Owen Peters, 729 Apricot Drive, appeared before the Council relative to petitions being submitted to Central County Fire District which authorizes the district to remove the petitioners from the Central County Fire District.

RESOLUTIONS

A Resolution Supporting the Redevelopment of the Eastern Portion of Lindenwood University Campus (*Sponsor: All Members of the City Council*)

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Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit,
Weller and Beckering.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Resolution R11-4**

A Resolution Supporting the Creation of a Redevelopment Area for the SSM St. Joseph Health Center Campus (*Sponsors: All Members of the City Council*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit,
Weller and Beckering.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Resolution R11-5**

BILLS FOR FINAL PASSAGE

Bill 10367 (Held)

An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section to be Known as Section 36.20 Pertaining to Mandatory Vacation Leave for Certain Employees (*Sponsor: Bob Kneemiller*)

Council Bill 10367 was held by Sponsor Bob Kneemiller.

Bill 10398 (Referred to the Council Work Session Scheduled for 3/8/11)

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree's Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30) or More Years of Service; Establishing a Benefit for a Retiree's Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (*Sponsor: Michael Klinghammer*)

Council Bill 10398 was referred to the Council Work Session scheduled for March 8, 2011.

Bill 10413 (Amended)

An Ordinance Amending Chapters 96 and 156 of the Code of Ordinances of the City of St. Charles by Repealing Section 96.08 Pertaining to Restrictions Against Tattooing and Amending Section 156.006 to Include a Definition of Tattooing, Body Piercing or Branding Establishments, Section 156.033 to Include Tattooing, Body Piercing and Branding Establishments as a Conditional Use in the C-2 General Business Zoning District, and Section 156.068 to Specifically Exclude Tattooing, Body Piercing and

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Branding Establishments as a Use in the Historic Downtown District for Properties Which Front on North and South Main Street (*Sponsors: Richard Veit and Dave Beckering*)

Council Vice President DAVE BECKERING made a motion to amend Council Bill 10413 as follows: 1) clarification that tattooing is not permitted anywhere in any building that abuts Main Street, even if the building has side and/or rear entrances; and 2) addition of requirement that tattoo shops be located at least 300 feet from any residential zoning district. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: “Aye”: Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, and Klinghammer. “Nay”: None. Absent: Feldman. Motion passed.

Bill 10419 (Supplemental RCA) (Held)

An Ordinance Authorizing the Submittal of Four (4) Grant Applications with East West Gateway Coordinating Council for the FY 2012-2015 Transportation Improvement Program for North Fairgrounds Road; Boschertown Road Reconstruction – Phase 2; Truman Road Rehabilitation and South River Road / Friedens Road Lighting, and to Sign all Necessary Documents to Accept and Receive Said Grants (*Sponsors: All Members of the City Council*)

Council Bill 10419 was held upon the request of President of the Council Michael Klinghammer.

Bill 10420

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Meredith D. Borgmeyer (2219 Hackmann Road). (*Sponsor: Michael Weller*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, Klinghammer and Kneemiller.
“Nay”: None
Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Ordinance 11-28**

Bill 10421

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), 1.83 Acres of Land Located at 2219 Hackmann Road (*Sponsor: Michael Weller*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, Klinghammer and Kneemiller.
“Nay”: None
Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Ordinance 11-29**

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Bill 10422

An Ordinance Amending Ordinance Number 10-289 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2011(Budget Amendment #1) (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering,
Klinghammer and Kneemiller.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Ordinance 11-30**

Bill 10423

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and REJIS Commission to Provide 2011 Law Enforcement Services for the Police Department for Communications and Computer Service in an Amount Not to Exceed \$50,807.72 (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering,
Klinghammer and Kneemiller.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 22, 2011, and is known as **Ordinance 11-31**

Bill 10424

An Ordinance Authorizing the Purchase of Approximately 8.56 Acres Located on Mueller Road from Coca-Cola Enterprises, Inc., For Not to Exceed \$855,000 Inclusive of Closing Costs and Title insurance Premium; Authorization for the Mayor to Negotiate and Execute the Real Estate Sales Contract; and Granting Continuing Authority to the Mayor and City Clerk to Perform Acts Consistent with the Intent of this Ordinance (*Sponsors: All Members of the City Council*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering,
Klinghammer and Kneemiller.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 18, 2011, and is known as **Ordinance 11-27**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10425

An Ordinance Amending Section 150.031, Subsection (K) of Code of Ordinances by Amending the 2003 International Property Maintenance Code to Determine Minimum Occupancy Area for Sleeping Purposes (*Sponsor: Michael Klinghammer*)

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Bill 10426

An Ordinance Repealing Ordinance No. 97-362 Which Restricted Parking on the North Side of Adams Street from Sixth Street East 160 Feet (*Sponsor: Richard Viet*)

Bill 10427

An Ordinance Authorizing a Contract with River City Construction L.L.C. for the Elm Point Treatment Plant Improvements Project in an Amount Not to Exceed \$2,802,900.00 (*Sponsor: Michael Klinghammer*)

Bill 10428

An Ordinance Approving the Record Plat for Streets of St. Charles Amended Plat Two, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

Bill 10429

An Ordinance Authorizing Supplemental Agreement No. 1 to the Engineering Services Contract with Thouvenot, Wade and Moerchen, Inc. (TWM) for the Missouri Flood Gates Project in an Amount of \$47,030.00, for Total Contract Amount Not to Exceed \$138,881.00 (*Sponsors: Michael Klinghammer and Richard Veit*)

Bill 10430

An Ordinance Approving a Revision to the Green Point Rating System Guide Pursuant to Section 156.190(C) of the Code of Ordinances of the City of St. Charles (*Sponsor: Bob Kneemiller*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Snow Removal Preparedness

Councilmember Bob Kneemiller stated that he brought this item forward for discussion for Administration to provide a verbal update to the residents relative to the City's recent Snow Removal Operations. Director of Administration stated a staff member of Public Works inaccurately advised residents the cul-de-sacs were not being plowed during the last snow storm event due to a salt supply shortage. Director of Administration Michael Spurgeon assured the Council Members and residents the City had a sufficient salt supply; and the City does include cul-de-sacs in their Snow Removal Operations. Discussion was held relative to residents parking in drive-ways, when possible, to assist the Street Division in clearing snow from the streets.

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 10.E.2. Amendment No. 2 to the Contract with Gary Elmestad dba Gary Elmestad & Associates for Consultant Work with the City to Advance Project and Funding Initiatives Beneficial to the Residents in an Amount not to Exceed \$25,000 (Total Contract Amount (\$80,000))* from the Consent Agenda. A motion was made by BOB KNEEMILLER to approve the balance of the Consent Agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Ohmes, Reese,

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Stivison, Veit, Weller, Beckering, Klinghammer, Kneemiller, and Muench. "Nay": None.
Absent: Feldman. Motion passed.

A. Approval of Council Minutes

1. Special Council Meeting of January 25, 2011
2. Regular Council Meeting of February 3, 2011
3. Public Hearing of February 3, 2011

File #47557

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Council Work Session of December 14, 2010
 - b. Council Work Session of February 3, 2011

File #47292

File #47558

2. Approval of Council Committee Motions/Actions/Recommendations

- a. Council Work Session of December 14, 2010
 - i. Motions Relative to the 2011 Budget:
 - (a) Increase *Account 001-0000-324-0100 LSV Fees (Revenue)* in the amount of \$20,000 and increase *Account 001-1402-422-1004 Temporary Personnel* in the amount of \$20,000, plus any additional FICA expenses to accommodate the hiring of a temporary employee
 - (b) Reduce *CIP Project MT-6 City Hall Expansion Line Item* by \$228,000; and to increase *Account No. 001-1102-33 Professional Services* in the IT Department \$228,000
 - (c) Create a separate line item for the St. Charles Parks Foundation Scholarship, with Funding in the Amount of \$8,000 from *001-0201-55 Other Production Printing & Binding (Council Account)*
 - (d) Increase the Municipal Court Salary Account by \$12,000; Increase the Municipal Court FICA Account by \$1,000; Decrease the Municipal Court Overtime Account by \$7,000; and Increase the Municipal Court Revenue from Court Fines and Fees by \$6,000
 - (e) Create a New Line Item Entitled "Sustainable Vehicle Infrastructure"
 - ii. Motions to Recommend that the Mayor Present a Budget Amendment in 2011 for the Following:

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- (a) Allocate \$800,000 in *CIP Project ST-16 S. Main Reconstruction Line Item* From the Excess Street Project Funds in 2010
 - (b) Reallocate \$65,000 out of the Community Center Account to the Foundry Art Centre for Hiring a Marketing Director for One Year
 - (c) Reallocate \$7,000 out of Water/Sewer Rates Reserve to the *St. Charles Parks Foundation Scholarships Account*
 - (d) Reallocate \$5,000 out of the Community Center Account to *CIP MT-7 Holiday Lighting Line Item.*
 - (e) Reallocate \$2,500 out of the Community Center Account to the *Sustainable Vehicle Infrastructure Account*
 - b. Council Work Session of February 3, 2011
 - i. Motion to Remove the Following Projects from the Long Range Transportation Plan
 - (a) Little Hills Expressway/W. Randolph/Rte. 370
 - (b) Fifth Street and Clark Street Turn Lane
 - (c) Old Hwy 94 Reconstruction North of Pralle Road
 - (d) New Town Blvd. Reconstruction (Phase II)
 - (e) South River Rd/Arena Parkway/Friedens Road Intersection
 - ii. Motion to Remove the Mexico & Veterans Memorial Intersection Project from the Long Range Transportation Plan; and to Add to the Study to be Performed on the I-70 and Cave Springs Interchange
 - iii. Motion to Include in the Project Description of the Friedens Road/Fairgrounds Signalization Project to Install if Signal is Warranted by Future Development
 - iv. Motion to Approve Adding the Following Projects Listed under Other Projects for Consideration to the Long Range Transportation Plan
 - (a) Elm Point Road Reconstruction
 - (b) Elm Point Road Extension
 - (c) North 5th Street/370 Interchange
 - (d) Truman Road Reconstruction (Phase II)
 - (e) Elm Point Industrial Drive Additional Left Turn Lanes
 - (f) 300 Block of Randolph
- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Special Business District Advisory Board Meeting of January 6, 2011

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- a. Motion to Expend up to \$10,000 on the Main Street Bench Program in 2011
 - b. Motion to Request Facilities Maintenance Supervisor to Obtain a Formal Estimate to Extend the Garage Camera System from the Parking Garage to the Colonnade and Washington Street Bathrooms
- File #47559
- 2. Citizens with Disabilities Advisory Board Meeting of November 17, 2010
- File #47325
- 3. Strategic Plan Implementation Committee Meeting of October 21, 2010
- File #47346
- 4. Strategic Plan Implementation Committee Meeting of November 18, 2010
- File #47346
- 5. Fair Housing Commission Meeting of July 15, 2010
- File #47427
- 6. Planning and Zoning Commission Meeting of December 20, 2010
- File #47334
- 7. St. Charles Park & Recreation Board Meeting of December 15, 2010
- File #47333
- 8. St. Charles Park & Recreation Board Meeting of January 26, 2011
- File #47560
- 9. Board of Adjustment Meeting of February 7, 2011
- File #47547
- 10. Fair Housing Commission Meeting of October 21, 2010
- File #47427
- D. Receipt of Reports of the Director of Administration
- 1. Notice of Emergency Purchase
- File #47556
- 2. Recommendation from Fire Department Relative to Collection of Outstanding EMS/LSV Charges
- File #47562
- 3. Request for Authorization to Fill a Vacant Position in the Fire Department (Paramedic/Firefighter)
- File #47563
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
- 1. Contract with Dave Sinclair Ford, Inc. for the Purchase of Four (4) 2011 Crown Victoria Police Vehicles in an Amount not to Exceed \$90,804.00
- File #47564
- 2. Amendment No. 2 to the Contract with Gary Elmestad dba Gary Elmestad & Associates for Consultant Work with the City to Advance Project and

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Funding Initiatives Beneficial to the Residents in an Amount not to
Exceed \$25,000 (Total Contract Amount (\$80,000))
REMOVED FROM THE CONSENT AGENDA

3. Renewal Agreement with Gerstner Electric, Inc. for Streetlight
Maintenance Project in an Amount not to Exceed \$60,000

File #47565

F. Preliminary Plats
None

G. Miscellaneous

1. Report of Court Administrator of Monies Collected and Deposited during
the Month of January 2011

File #47566

2. Request to Negotiate a Contract with RJN Group, Inc. for the Design of
the 1020 Mayfair Sanitary Sewer Repair Project

File #47567

3. Investment Report for January 2011

Temporary Finance Director Jerry Ponder responded to an inquiry of Councilmember Bob Kneemiller by stating a report will be provided to the Council clarifying the data included in the Investment Report for January 2011.

File #47568

ITEM REMOVED FROM THE CONSENT AGENDA

Item 10.E.2. Amendment No. 2 to the Contract with Gary Elmestad dba Gary Elmestad
& Associates for Consultant Work with the City to Advance Project and Funding
Initiatives Beneficial to the Residents in an Amount not to Exceed \$25,000 (Total
Contract Amount (\$80,000))

Councilmember Bob Kneemiller requested that this item be held pending further discussion.

INTRODUCTION OF BOY SCOUTS

Council President Michael Klinghammer requested the Scouts in the audience to please come forward and introduce their self. Drake Meyer and Chance Meyer stated they represent Troop 351 and were seeking to obtain their Life Rank and Community Badges by attending this evening's Council Meeting.

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

Mardi Gras Parade: The Honorable Patricia M. York announced the St. Charles Jaycees are sponsoring the Mardi Gras Parade which will take place on Saturday, February 26, 2011, at 3:00 p.m. in Frenchtown.

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Riverside Shakespeare Theater: The Honorable Patricia M. York announced Riverside Shakespeare Theater will be performing *Art* on February 17, 2011, at 7:30 p.m. and February 18 & 19, 2011, at 6:00 p.m. and 9:00 p.m. at the Foundry Art Centre.

Responder Rescue/Kings Ball: The Honorable Patricia M. York announced Responder Rescue will host a King's Ball on Saturday, February 26, 2011, at the Foundry Art Center; and proceeds from this benefit will go toward the families of the Fire and Police Departments who have been injured while performing their jobs. For more information you can visit their website at www.kingsball.org.

St. Charles Family Arena: The Honorable Patricia M. York announced the following events which will take place at the St. Charles Family Arena:

- *Missouri Valley Conference Women's Basketball:* March 15, 2011.
- *Bad Boys of Arena Cross Championship:* March 3 & 4, 2011.
- *Moolah Circus:* March 17 – 20, 2011.

Free Travel Show: The Honorable Patricia M. York announced this event is scheduled for February 19, 2011, 11 a.m. – 4 p.m. at the St. Charles Convention Center.

Senior Citizens Health Fair: The Honorable Patricia M. York announced this event is scheduled for August 9, 2011, at the St. Charles Convention Center; and *Thanked* Councilmember Jerry Reese and the Sr. Citizens Advisory Commission for bringing this event to fruition with the partnership of Baue and Nurses & Company.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

St. Charles County Amateur Sports Hall of Fame Banquet: Council Vice President Dave Beckering announced this event will be held on Saturday, March 19, 2011, at 5:30 p.m.; and to contact him by calling 636/949-2027 to reserve tickets.

APPROVAL OF CLOSED MINUTES

A motion was made by LARRY MUENCH to approve the following Closed Session Minutes. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Beckering, Klinghammer, Kneemiller, Muench, and Ohmes. "Nay": None. Absent: Feldman. Motion passed.

- A. City Clerk Recruitment Committee Meeting of September 28, 2010, relative to hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)

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- B. Special Council Meeting of September 28, 2010, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); and records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body (RSMo 610.021.20)
- C. Council Work Session of October 5, 2010, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- D. Regular Council Meeting of January 4, 2011, relative to legal actions, causes of action, or litigation (RSMo 610.021.1)

Closed Session

A roll call vote was taken to reconvene into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); hiring, firing, disciplining or promotion of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), with the following results: “Aye”: Stivison, Veit, Weller, Beckering, Klinghammer, Kneemiller, Muench, Ohmes, and Reese. “Nay”: None. Absent: Feldman. Motion passed.

The Open portion of the Regular Council Meeting was adjourned at 8:20 p.m.

Date Approved

City Clerk

Michael Klinghammer, Presiding Officer